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Notice of Allowability	Application No.	Applicant(s)	
	10/810,913	ADAMI, MAURO	
	Examiner	Art Unit	
	Charles Goodman	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *8/21/06*.

2. ☒ The allowed claim(s) is/are *38-66*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☒ Certified copies of the priority documents have been received in Application No. *09/433,320* .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

CHARLES GOODMAN
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The prior art of record do not anticipate nor do they reasonably suggest the apparatus for cutting a web material as claimed in claims 38, 51 and 56. The closest prior art, Baumann et al (US 4,276,797), teaches a web dispenser comprising many of the claimed elements including a rotating cutting cylinder (e.g. Figs. 6a and 7a) having a plurality of blade segments (e.g. 68, 78) having actuators (e.g. 63) so as to provide selective extension and retraction of the blade segments (in terms of sequence of operation) with respect to the cutting cylinder to thereby cut the web material in a particular cut pattern. However, none of the blade segments taught by Baumann et al remain retracted during a full rotation of the cutting cylinder. There is no teaching, suggestion, or motivation in the prior art of record to provide Baumann et al with the lacking features noted above.

For further reasons, attention is respectfully drawn to other closely related prior art, MacFarren (US 1,965,523) and Meeks (US 6,026,727), in which both teach rotary flying shears whereby the blade segment is selectively extended and retracted. Fig. 3 in MacFarren and Figs. 4-10 in Meeks. MacFarren at most teaches the extension and retraction of one blade segment (e.g. 18, 19) distributed along the length of the cutting cylinder. There is no teaching, suggestion, or motivation in MacFarren, Baumann et al, nor any of the other prior art of record to provide MacFarren with a plurality of selectively actuated blade segments wherein at least one of the blade segments either do not cut at all or remain retracted during a full rotation of the cylinder since MacFarren's device is designed to simply cut the web material with no teaching, suggestion, or

motivation in the prior art of record for pattern cuts especially selective discontinuous cuts provided by a non-extended blade segment. Moreover, there is no motivation in the prior art of record to provide Baumann et al with the actuated blade segment as taught and suggested by MacFarren since to incorporate such an arguably automated and complicated mechanism for an industrial cutting cylinder in a simple dispenser of Baumann et al is believed to be discouraging and therefore non-obvious to one of ordinary skill in the art. In Meeks, the blade segment (e.g. 44) is selectively rotated to cut vis-à-vis a trip switch. However, Meeks lacks a plurality of blade segments distributed along the length of the cylinder and for substantially the same reasons set forth above with respect to MacFarren, there is no teaching, suggestion, or motivation in the prior art of record to provide Meeks with the lacking features. The Examiner notes MacFarren and Meeks for the fact that extension and retraction of a blade segment is known *per se* for a single blade segment in the rotary cutting cylinder art.

Other closely related prior art, Yoshida et al (US 5,152,205) and Hirakawa et al (US 5,297,461), are mentioned here due to their teachings of selective cutting, i.e. slotting, of web material for substantially the same reasons as Applicant's invention. However, both Yoshida et al and Hirakawa et al obtain this type of cutting vis-à-vis selective actuation of sections of a sectioned anvil cylinder. Thus, the sectioned anvil cylinder lacks any blade segments that are selectively extended and retracted wherein at least one of the blade segments remains retracted during a full rotation of the cylinder or does not cut at all. Due to the fact that selective actuation of sections of a sectioned anvil cylinder is not applicable to a cutting cylinder having a plurality of blade segments, it is believed that there is no teaching, suggestion, or motivation in the teachings of

Yoshida et al and Hirakawa et al to provide similar actuated segments for a cutting cylinder.

Lastly, Kwiteck (US 2,870,840), is mentioned because Kwiteck teaches a cutting cylinder (14) having a plurality of blade segments (36) distributed along the length of the cylinder. Thus, Kwiteck teaches that it is old and well known in the rotary cutting art to have a cutting cylinder with a plurality of blade segments *per se*. However, none of the blade segments are selectively extended and retracted by a respective actuator.

In sum, certain aspects of the claimed invention are taught by the prior art as noted above, e.g. plurality of blade segments and selective extension and retraction by an actuator of a blade segment. However, none of the prior art of record teach or suggest the combination of elements as claimed in claims 1, 9, 12, 21, 24, 33, and 38 wherein at least one of the blade segments remains retracted during a full rotation of the cutting cylinder or not cut the web material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. The terminal disclaimer filed on 8/21/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,722,243 has been reviewed and is accepted. The terminal disclaimer has been recorded.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-

4508. The examiner can normally be reached on Monday-Friday between 8:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley, can be reached on (571) 272-4502. In lieu of mailing, it is encouraged that all formal responses be faxed to **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Charles Goodman
Primary Examiner
AU 3724

cg
October 2, 2006

CHARLES GOODMAN
PRIMARY EXAMINER